

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 2:18-cr-2-JPH-CMM-01

v.

ORDER ON MOTION FOR  
SENTENCE REDUCTION UNDER  
18 U.S.C. § 3582(c)(1)(A)  
(COMPASSIONATE RELEASE)

CHRISTIEN MUNGUIA

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is:

☐ DENIED.

☒ DENIED WITHOUT PREJUDICE. Defendant filed a pro se motion that the Court construes as a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). Defendant's motion does not provide sufficient information for the Court to determine whether he might be eligible for compassionate release under § 3582(c)(1)(A). While the Court sympathizes with how difficult Defendant's battle with COVID-19 must have been, the mere fact that Defendant contracted the virus while in Bureau of Prisons ("BOP") custody does not constitute an extraordinary and compelling reason warranting compassionate release. To the contrary, the Court routinely denies motions for compassionate release from defendants who contracted COVID-19 while in BOP custody but have since recovered or are not continuing to experience debilitating symptoms. *See, e.g., United States v. Weatherspoon*, No. 2:11-cr-9-JMS-CMM-07, dkt. 894 (S.D. Ind. July 7, 2020) (finding no extraordinary and compelling reason where defendant had conditions putting him at risk for severe COVID-19 symptoms and had been hospitalized after testing positive for COVID-19, but had since recovered); *United States v. Wyatt*, No. 3:17-cr-11-RLY-MPB-02, dkt.

165 (S.D. Ind. Sept. 3, 2020) (finding no extraordinary and compelling reason where defendant had conditions putting him at risk for severe COVID-19 symptoms and had tested positive for COVID-19 but remained asymptomatic); *United States v. Young*, No. 3:15-cr-38-RLY-CMM-03, dkt. 139 (denying motion to reconsider and finding no extraordinary and compelling reason warranting release where defendant claimed to be experiencing chest pains and difficulty breathing several months after his COVID-19 diagnosis because the symptoms were not severe or debilitating). To the extent Defendant complains about his conditions of confinement and the way the BOP has handled the COVID-19 pandemic, such complaints are not extraordinary and compelling reasons warranting his release. To the extent Defendant contends that his current health condition warrants compassionate release, he has not provided the Court with enough information to evaluate his claim. Accordingly, his motion, dkt. [630], is **denied without prejudice**. If Defendant wishes to renew his motion, he may do so by completing and returning the attached form motion. (Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release) (Pro Se Prisoner)). In addition to providing the information required by the form, Defendant must explain: (1) whether he has recovered from COVID-19; and (2) if not, what symptoms he is currently experiencing and how, if at all, they impact his ability to engage in daily activities.

**SO ORDERED.**

Date: 4/9/2021



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

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